



January 27, 2006

## SENATE BILL No. 336

DIGEST OF SB 336 (Updated January 25, 2006 6:09 pm - DI 104)

**Citations Affected:** IC 20-34.

**Synopsis:** Care and management of student diabetes at school. Requires the department of education and the state department of health to develop and implement a pilot student diabetes management program before July 1, 2007, and a statewide program before July 1, 2009. Establishes a training program for school employees who are not health care professionals to assist students with diabetes in managing and treating the diabetes. Sets forth requirements for individualized health plans for students who will be managing and treating diabetes while at school or school activities.

**Effective:** July 1, 2006.

**Landske, Breaux, Sipes**

January 10, 2006, read first time and referred to Committee on Health and Provider Services.

January 26, 2006, amended, reported favorably — Do Pass.

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SB 336—LS 7042/DI 71+



January 27, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 336

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]:

4 **Chapter 5. Care of Students With Diabetes**

5 **Sec. 1. The department and the state department of health shall:**

6 (1) **develop and implement a pilot program that meets the**  
7 **requirements of this chapter not later than July 1, 2007; and**

8 (2) **implement this chapter statewide not later than July 1,**  
9 **2009.**

10 **Sec. 2. As used in this chapter, "care assistant" means a school**  
11 **employee who:**

12 (1) **is not a licensed health care professional; and**

13 (2) **has successfully completed the training required under**  
14 **section 10 of this chapter.**

15 **Sec. 3. As used in this chapter, "diabetes management and**  
16 **treatment plan" means a plan prepared under section 7 of this**  
17 **chapter.**

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1       **Sec. 4. As used in this chapter, "individualized health plan"**  
 2       **means a coordinated plan of care designed to meet the unique**  
 3       **health care needs of a student with diabetes in a school setting.**

4       **Sec. 5. As used in this chapter, "school employee" means an**  
 5       **individual employed by:**

- 6           (1) a public school or an accredited nonpublic school;
- 7           (2) a local health department working with a school under this
- 8           chapter; or
- 9           (3) another entity with which a school has contracted to
- 10          perform the duties required under this chapter.

11       **Sec. 6. As used in this chapter, "student" refers to a student**  
 12       **with diabetes.**

13       **Sec. 7. (a) A diabetes management and treatment plan must be**  
 14       **prepared and implemented for a student with diabetes whose**  
 15       **parent seeks care for the student's diabetes while the student is at**  
 16       **school or participating in a school activity. The plan must be**  
 17       **developed by:**

- 18           (1) the student's parent; and
- 19           (2) the licensed physician responsible for the student's
- 20           diabetes treatment.

21       **(b) A diabetes management and treatment plan must:**

- 22           (1) identify the health care services the student may receive at
- 23           school;
- 24           (2) evaluate the student's:
- 25               (A) ability to manage; and
- 26               (B) level of understanding of;
- 27           the student's diabetes; and
- 28           (3) be signed by the student's parent and the licensed
- 29           physician responsible for the student's diabetes treatment.

30       **(c) The parent of a student who seeks care for the student's**  
 31       **diabetes while the student is at school or participating in a school**  
 32       **activity shall submit a copy of the student's diabetes management**  
 33       **and treatment plan to the school. The plan must be submitted to**  
 34       **and be reviewed by the school:**

- 35           (1) before or at the beginning of a school year;
- 36           (2) at the time the student enrolls, if the student is enrolled in
- 37           school after the beginning of the school year; or
- 38           (3) as soon as practicable following a diagnosis of diabetes for
- 39           the student.

40       **Sec. 8. (a) An individualized health plan must be developed for**  
 41       **each student whose parent seeks care for diabetes while the student**  
 42       **is at school or participating in a school activity. The school's**

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principal and nurse, if the school has a nurse, shall develop a student's individualized health plan in collaboration with:

- (1) the student's parent;
- (2) to the extent practicable, the licensed physician responsible for the student's diabetes treatment; and
- (3) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan. A school shall develop a student's individualized health plan upon receiving the student's diabetes management and treatment plan.

Sec. 9. (a) At each school in which a student with diabetes is enrolled, the school principal shall:

- (1) seek school employees to serve as care assistants; and
- (2) make efforts to ensure that the school has:
  - (A) at least one (1) care assistant if a full-time nurse is assigned to the school; and
  - (B) at least three (3) care assistants if a full-time nurse is not assigned to the school.

(b) A care assistant serves under the supervision of the principal.

(c) A school employee may not be subject to any disciplinary action for refusing to serve as a care assistant.

Sec. 10. (a) The state department of health, with the assistance of interested parties, shall develop a training program that includes instruction in the following:

- (1) Recognizing the symptoms of hypoglycemia and hyperglycemia.
- (2) Understanding the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (3) Understanding the details of a student's individualized health plan.
- (4) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of the checks.
- (5) Properly administering glucagon and insulin, and recording the results of the administration.
- (6) Recognizing complications that require emergency medical assistance.
- (7) Understanding recommended schedules and food intake

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for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) If a school nurse is assigned to a school, the school nurse shall coordinate the training of school employees acting as care assistants, using the training program developed under subsection (a).

(c) Training for care assistants must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

- (1) the enrollment; or
- (2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(d) The school nurse or principal shall maintain a copy of the training program and the records of training completed by the school employees.

Sec. 11. (a) If a school nurse is assigned to a school and the nurse is available, the nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) If a school nurse is not assigned to a school or is not available, a care assistant shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 10 of this chapter. A care assistant must have access to a health care professional with expertise in the care of individuals with diabetes or a principal must have access to the licensed physician responsible for the student's diabetes treatment if a care assistant acts under this subsection.

(c) A care assistant may act under this section only if the parent of the student signs an agreement that:

- (1) authorizes a care assistant to assist the student; and
- (2) states that the parent understands that, as provided under IC 34-30-14, a care assistant is not liable for civil damages for assisting in the student's care.

(d) A care assistant who assists a student under this section in carrying out the student's individualized health plan:

- (1) is not considered to be engaging in the practice of nursing;
- (2) is exempt from applicable statutes and rules that restrict

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activities that may be performed by an individual who is not a health care professional; and

(3) may exercise reasonable judgment in deciding whether to contact a health care provider in a medical emergency involving a student with diabetes.

(e) A school corporation may not restrict the assignment of a student to a particular school on the basis that the school does not have the required care assistants.

Sec. 12. As provided in a student's individualized health plan, a school corporation shall allow the student to attend to the management and care of the student's diabetes, including performing the following activities:

(1) Performing blood glucose level checks.

(2) Administering insulin through the insulin delivery system the student uses.

(3) Treating hypoglycemia and hyperglycemia.

(4) Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes.

(5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

Sec. 13. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

(1) identifies the student with diabetes;

(2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and

(3) provides the telephone number of a contact in case an emergency occurs.

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## SENATE MOTION

Madam President: I move that Senators Breaux and Sipes be added as coauthors of Senate Bill 336.

LANDSKE

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 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 336, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, after "Sec. 1." insert "**The department and the state department of health shall:**

- (1) develop and implement a pilot program that meets the requirements of this chapter not later than July 1, 2007; and**
- (2) implement this chapter statewide not later than July 1, 2009.**

**Sec. 2."**

Page 1, line 9, delete "9" and insert "**10**".

Page 1, line 10, delete "Sec. 2." and insert "**Sec. 3.**".

Page 1, line 11, delete "6" and insert "**7**".

Page 1, line 13, delete "Sec. 3." and insert "**Sec. 4.**".

Page 1, line 16, delete "Sec. 4." and insert "**Sec. 5.**".

Page 2, line 6, delete "Sec. 5." and insert "**Sec. 6.**".

Page 2, line 8, delete "Sec. 6." and insert "**Sec. 7.**".

Page 2, line 35, delete "Sec. 7." and insert "**Sec. 8.**".

Page 3, line 7, delete "Sec. 8." and insert "**Sec. 9.**".

Page 3, line 19, delete "Sec. 9." and insert "**Sec. 10.**".

Page 4, line 16, delete "Sec. 10." and insert "**Sec. 11.**".

Page 4, line 23, delete "9" and insert "**10**".

Page 4, line 34, delete ":" and insert "**in carrying out the student's individualized health plan:**".

Page 5, line 3, delete "Sec. 11." and insert "**Sec. 12.**".

Page 5, line 17, delete "Sec. 12." and insert "**Sec. 13.**".

and when so amended that said bill do pass.

(Reference is to SB 336 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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